

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

VARREL MITCHELL, SR.,

Petitioner,

**9:13-cv-705
(GLS/DEP)**

v.

**NEW YORK STATE DIVISION OF
PAROLE,**

Respondent.

APPEARANCES:

OF COUNSEL:

FOR THE PETITIONER:

Varrel Mitchell, Sr.
3562 HWY 44
Paulina, LA 70763

FOR THE RESPONDENT:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
120 Broadway
New York, NY 10271

ALYSON J. GILL
Assistant Attorney General

**Gary L. Sharpe
Senior District Judge**

ORDER

The above-captioned matter comes to this court following a Report and Recommendation by Magistrate Judge David E. Peebles, duly filed on May 3, 2016. (Dkt. No. 13.) Following fourteen days from the service

thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Report-Recommendation for clear error, it is hereby

ORDERED that the Report and Recommendation (Dkt. No. 13) is **ADOPTED** in its entirety; and it is further

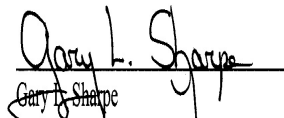
ORDERED that the petition (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

ORDERED that no certificate of appealability shall issue because Mitchell has failed to make a “substantial showing of the denial of a constitutional right” pursuant to 28 U.S.C. § 2253(c)(2); and it is further

ORDERED that the Clerk provide a copy of this Order to the parties in accordance with the Local Rules.

IT IS SO ORDERED.

June 16, 2016
Albany, New York



Gary L. Sharpe
U.S. District Judge